

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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INDEPENDENT ASSET MANAGEMENT LLC ) Case No. 1:07-cv-06431-JSR  
and OLA HOLMSTROM, )  
) ECF  
)  
)  
Plaintiffs, )  
)  
vs. )  
)  
DANIEL ZANGER, )  
)  
Defendant. )  
----- X

**AFFIDAVIT OF MATTHEW E. SZWAJKOWSKI IN SUPPORT OF DEFENDANT'S  
MOTION TO DISMISS THE AMENDED COMPLAINT**

I, Matthew E. Szwajkowski, declare the following under penalty of perjury under the laws of the United States:

1. I am an associate at the law firm Jones Day, attorneys for defendant Daniel Zanger ("Defendant"). I submit this affidavit to put before the Court true and correct copies of the following documents that are pertinent to the Defendant's Motion To Dismiss The Amended Complaint.

2. Attached to this affidavit, under the identified exhibit tabs, are true and correct copies of the following documents:

Exhibit A	Court Transcript, Hearing on Motion to Dismiss the Complaint Before Hon. Jed S. Rakoff, October 4, 2007
Exhibit B	Confidential Offering Memorandum, The Independent Fund Limited, dated November 1, 2004

3. I declare under penalty of perjury that the foregoing is true and correct.

Executed on: November 6, 2007  
New York, New York

*s/ Matthew E. Szwajkowski*

**CERTIFICATE OF SERVICE**

The foregoing Declaration of Matthew E. Szwajkowski, dated November 6, 2007, and the exhibits annexed thereto, were served on the following counsel of record on November 6, 2007 via the method listed below:

**E-Mail and Federal Express**

John Balestriere  
Craig Stuart Lanza  
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s/ Matthew E. Szwajkowski